



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
235 Promenade Street
Providence, Rhode Island 02908

October 30, 2017

Seminole Development
c/o Paul Vanasse
1849 Old Louisiquisett Pike
Lincoln, RI 02865

Permit Renewal and Revised Permit

Re: Application No. 07-0029 Applications for Renewal in reference to the location below:

Approximately 400 feet northeast of the terminus of America Street and approximately 800 feet east of the intersection of Alton Avenue and Louise Avenue, Assessor's Plat 52, Lots 10, 307, 308, 310, 311, 313, 314, 315, 316, 233, and 234 Cumberland, RI.

Dear Mr. Vanasse:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application for Renewal** received on June 19, 2017, and the subsequent **Application for Permit Modification** received on September 12, 2017.

It is our understanding that you are requesting renewal of the permit issued for Application No. 07-0029. The original permit was issued on November 24, 2008 to Regional Finance Company, LLC alterations to freshwater wetlands at the above-referenced location. A revised permit was issued to Seinole Development on February 1, 2017. Included in this renewal request is a request for after-the-fact approval of other minor modifications made to the originally permitted design.

This Program has completed an inspection of the site and has found that your project, with the exception of some inadequate shrub replanting and the absence of one permanent buffer zone marker, and aside from one drainage outfall that was constructed in a location different from what was permitted, is generally in conformance with the permit as well as those required actions set forth in the Department's letter dated August 3, 2017. Because good faith progress has been made in addressing all non-conformance issues on site, the Program has decided that remaining required actions can be included in a revised permit. It is our determination, therefore, that the permit may be renewed. This permit was tolled until July 15, 2016 and has been renewed once. This renewal is valid until **July 16, 2018** and expires on that date unless an additional renewal is allowed and authorized in accordance with Rules (See Rule 11.02).

A copy of the original and modified permit letter of February 1, 2017 are enclosed for your convenience. It is your responsibility to maintain compliance with the conditions of the permit and to carry out this project in compliance with the Rules at all times. This renewal does not relieve you of any obligations to obtain any local, state, or federal approvals or permits as required by ordinance or law. Any modifications to the project not illustrated on the approved site plans would require approval of, at least, an Application for Permit Modification prior to the expiration of the permit.

Additionally, the Program has completed its review of your **Application for Permit Modification** and has evaluated your proposed modifications to the permitted residential subdivision as illustrated and detailed on revised site plans submitted with your application. The most recently revised site plans were received on September 12, 2017.

As noted above, since good faith progress has been made in addressing all non-conformance issues on site, the Program has decided that remaining required actions can be included in a revised permit. Additional proposed modifications to the originally permitted project have been determined not to involve any additional alteration or impact to the subject freshwater wetlands. It is the Program's determination that a revised permit for the modified project may be issued **under the following terms and conditions:**

1. This letter is the DEM's revised permit for this project under the R.I. Fresh Water Wetlands Act, Rhode Island General Laws (RIGL) Section 2-1-18 et seq.
2. This revised permit is specifically limited to the project, site alterations and limits of disturbance as detailed on the site plans submitted with your application and received by the DEM on September 12, 2017, and further modified by the Wetland Restoration Planting Plan received September 8, 2016, that was subject to red-line revisions and stamped approved on January 31, 2017. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project which would alter freshwater wetlands are not authorized without a permit from the DEM.
3. Where the terms and conditions of the revised permit conflict with the approved site plans, these terms and conditions shall be deemed to supersede the site plans.
4. A copy of the stamped approved site plans and a copy of this revised permit must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this revised permit and the stamped approved plans must be made available for review by any DEM or Town representative upon request.
5. Within ten (10) days of the receipt of this revised permit, you must record this permit in the land evidence records of the Town of Cumberland and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.
6. This revised permit expires on July 16, 2018 unless renewed pursuant to the Rules.
7. Permanent buffer zone markers detailed on the site plan must have permanent type tags that clearly identify the areas beyond as a "RIDEM BUFFER ZONE" These tags must be placed on the buffer zone posts prior to issuance of a certificate of occupancy. Please carefully review the site plans for all buffer zone marker locations, and specifically install the currently missing buffer zone marker on lot 315.
8. All plantings of wetland restoration shrubs, trees or other forms of vegetation as shown or detailed on the approved wetland restoration plan, or detailed in this permit, must be installed no later than April 31, 2018; weather and season permitting. Specifically: within the riverbank wetland restoration area east of the roadway plant twenty (20) additional shrubs, in clumps, spaced ten feet apart on center. Within the riverbank wetland restoration area west of the roadway plant ten (10) additional shrubs, in clumps, spaced ten feet apart on center. These additional shrubs are required in the wetland restoration areas to meet the density requirements outlined in the June 21, 2016 letter sent by this Department and detailed in the planting notes of the restoration plan received September 8, 2016 that was subject to red-line revisions and stamped approved on January 31, 2017.

Except as authorized in this revised permit pursuant to revised and approved site plans (enclosed), all terms and conditions previously specified in the Program's permit dated November 24, 2008 and revised permit dated February 1, 2017 (copies enclosed) remain in effect.

Pursuant to the provisions in Rule 7.09 and Rule 11.04, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property

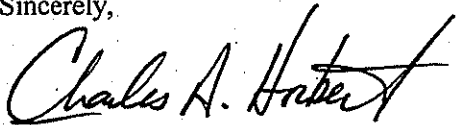
You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by this Department and/or subject you to the enforcement provisions of the Corps' regulations.

In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

This revised permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

Please contact Kate McPherson of this office (telephone: 401-222-6820, ext. 7732) should you have any questions.

Sincerely,



Charles A. Horbert, Program Supervisor
Freshwater Wetlands Program
Office of Water Resources
CAH/KHM/khm

Enclosures Approved site plans
 Original permit no. 07-0029 dated November 24, 2008
 Revised permit dated February 1, 2017

cc: Peter Scorpio, Cumberland Building Official
 Robert Anderson, Cumberland Public Works Director
 Daniel R. DeCesaris, P.E., Joe Casali Engineering, Inc.



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

February 1, 2017

Seminole Development
c/o Paul Vanasse
1849 Old Louisquisett Pike
Lincoln, RI 02865

REVISED PERMIT (corrected)

Re: Application No. 07-0029 in reference to the location below:

Approximately 400 feet northeast of the terminus of America Street and approximately 800 feet east of the intersection of Alton Avenue and Louise Avenue, Assessor's Plat 52, Lots 10, 307, 308, 310, 311, 313, 314, 315, 316, 233, and 234 Cumberland, RI.

Dear Mr. Vanasse:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has recently re-inspected the site to assess compliance with the restoration requirements and other work required in our June 21, 2016 letter of non-conformance to bring the project back into compliance with the original permit issued for this project on November 24, 1008. The Program has also completed its review of your **Application for Permit Modification** and has evaluated your proposed modifications to the permitted residential subdivision as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received on May 9, 2016 and the restoration plan received September 8, 2016.

Based upon the Program's observations on site, it appears that, with the exception of some inadequate replanting, and the absence of permanent tags on the required permanent buffer zone markers, all required actions communicated in our June 21, 2016 letter have been satisfactorily completed. Because good-faith progress has been made in addressing all non-conformance issues on site, the Program has decided that remaining required actions can be included in a revised permit.

Accordingly, in consideration of your work to address all non-conformance issues, and based on our evaluation of the revised project, it is the Program's determination pursuant to Rule 11.03 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act ("Rules") that a revised permit for the modified project may be issued under the following terms and conditions:

1. This letter is the DEM's revised permit for this project under the R.I. Fresh Water Wetlands Act, Rhode Island General Laws (RIGL) Section 2-1-18 et seq.
2. This revised permit is specifically limited to the project, site alterations and limits of disturbance as detailed on the site plans submitted with your application and received by the DEM on May 9, 2016, and further modified by the Wetland Restoration Planting Plan received September 8, 2016. A copy of the site plans stamped approved by the DEM is enclosed. Further changes or revisions to the project which would alter freshwater wetlands are not authorized without a permit from the DEM.

Application No. 07-0029

3. Where the terms and conditions of the revised permit conflict with the approved site plans, these terms and conditions shall be deemed to supersede the site plans.
4. A copy of the stamped approved site plans and a copy of this revised permit must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this revised permit and the stamped approved plans must be made available for review by any DEM representative upon request.
5. Within ten (10) days of the receipt of this revised permit, you must record this revised permit in the land evidence records of the Town of Cumberland and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.
6. This revised permit expires on the same day as the original permit (**July 16, 2016**) unless renewed pursuant to Rule 11.02.
7. Permanent buffer zone markers detailed on the site plan must have permanent type tags that clearly identify the areas beyond as a "RIDEM BUFFER ZONE". These tags must be placed on the buffer zone posts **no later than April 31, 2017**.
8. All plantings of wetland restoration shrubs, trees or other forms of vegetation as shown or detailed on the approved wetland restoration plan, or detailed in this permit, must be installed **no later than April 31, 2017**; weather and season permitting. Specifically 6 additional trees and between 75 to 100 additional shrubs are required in the wetland restoration areas to meet the density detailed in the planting notes of the plan received September 8, 2016.

Except as authorized in this revised permit pursuant to revised and approved site plans (enclosed), all terms and conditions previously specified in the Program's permit dated November 24, 2008 (copy enclosed) remain in effect.

Pursuant to the provisions in Rule 7.09 and Rule 11.04, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property

You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by this Department.

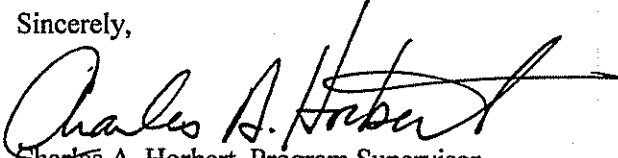
In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

This permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

Application No. 07-0029

Please contact Kate McPherson of this office (telephone: 401-222-6820, ext. 7732) should you have any questions regarding this letter.

Sincerely,



Charles A. Horbert, Program Supervisor
Freshwater Wetlands Program
Office of Water Resources
CAH/KHM/khm

Enclosure: Approved revised site plans

xc: Stephen Tyrrell, DEM Office of Compliance & Inspection
Peter Scorpio, Cumberland Building Official
Robert Anderson, Cumberland Public Works Director
Jonathan Stevens, Cumberland Planning Director
Daniel R. DeCesaris, P.E., Joe Casali Engineering, Inc.



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

CERTIFIED MAIL

November 24, 2008

Regional Finance Company, LLC
c/o Joseph Giuttari
10 Weybosset Street, Suite 400
Providence, RI 02903

PERMIT TO ALTER FRESHWATER WETLANDS

Re: Application No. 07-0029 in reference to the location below:

Approximately 400 feet northeast of the terminus of America Street and approximately 800 feet east of the intersection of Alton Avenue and Louise Avenue, Assessor's Plat 52, Lots 10, 307, 308, 310, 311, 313, 314, 315, 316, 233, and 234 Cumberland, RI.

Dear Mr. Giuttari:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application to Alter a Freshwater Wetland** regarding the proposed seventeen (17) lot residential subdivision know as "Highland Estates" with two roadway cul-de-sacs, stormwater management systems, utilities, landscaping and lot development as described and detailed in the material and information submitted in support of your application and on site plans received by the DEM on August 4, 2008. These site plans describing the project were made available for public comment as part of the forty-five (45) day public notice period required in accordance with the Freshwater Wetlands Act (R.I. General Laws (R.I.G.L.) Section 2-1-18 et seq.) and the procedures set forth in Rule 9.05 of the applicable Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act ("Rules").

This Program received one (1) letter relating to your application, which was submitted during the public notice period. This Program reviewed this letter together with any supporting documents and evaluated the potential impacts from the project upon the values mentioned in the letter. The Program has determined that the comments contained within this letter do not constitute an objection of a substantive nature as defined in Rule 5.53. Therefore, a public hearing pursuant to R.I.G.L. Section 2-1-22 is not required.

Pursuant to the Program's review and evaluation of your application including all supporting information and material, as well as the record to date, the Program has determined that this project does not represent a random, unnecessary or undesirable alteration of freshwater wetlands. Therefore, this Program hereby issues this permit to alter freshwater wetlands **subject to all controlling Rules and the Terms and Conditions set forth herein.**

Permit Terms and Conditions for Application No. 07-0029:

1. This letter is the DEM's permit for this project under the R.I. Fresh Water Wetlands Act, Rhode Island General Laws (RIGL) Section 2-1-18 et seq.

2. This permit is specifically limited to the project, site alterations and limits of disturbance as detailed on the site plans submitted with your application and received by the DEM on August 4, 2008. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project which would alter freshwater wetlands are not authorized without a permit from the DEM.
3. Where the terms and conditions of the permit conflict with the approved site plans, these terms and conditions shall be deemed to supersede the site plans.
4. You must notify this Program in writing immediately prior to the commencement of site alterations and upon completion of the project.
5. A copy of the stamped approved site plans and a copy of this permit must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this permit and the stamped approved plans must be made available for review by any DEM representative upon request.
6. Within ten (10) days of the receipt of this permit, you must record this permit in the land evidence records of the Town of Cumberland and supply this Program with written documentation obtained from the Town showing this permit was recorded.
7. The effective date of this permit is the date this letter was issued. This permit expires one (1) year from the effective date unless renewed pursuant to the current Rules.
8. Any material utilized in this project must be clean and free of matter that could pollute any freshwater wetland.
9. Prior to commencement of site alterations, you shall erect or post a sign resistant to the weather and at least twelve (12) inches wide and eighteen (18) inches long, which boldly identifies the initials "DEM" and the application number of this permit. This sign must be maintained at the site in a conspicuous location until such time that the project is complete and the DEM issues a Notice of Completion of Work for the project.
10. Also prior to commencement of any site alterations, permanent buffer zone markers must be installed along the limit of disturbance at the locations indicated in red ink on the approved site plans, in order to provide permanent reference points on site that are clear to present and future property owners. Acceptable permanent type markers include 4" x 4" pressure treated timber posts, galvanized fence posts with cap, or granite or concrete bounds. Markers must extend a minimum 24" above grade. A permanent-type tag or sign labeled "RIDEM Buffer Zone" must be placed on each marker. A permanent-type fence at least 24" tall placed along the limits of disturbance and similarly labeled may be substituted where desired. No alterations of any kind are permitted beyond these markers without first obtaining the necessary permit from this Program.
11. Temporary erosion and sediment controls detailed or described on the approved site plans shall be properly installed at the site prior to or commensurate with site alterations. Such controls shall be properly maintained, replaced, supplemented, or modified as necessary throughout the life of this project to minimize soil erosion and to prevent sediment from being deposited in any wetlands not subject to disturbance under this permit.
12. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls consisting of silt fencing, if used, must be removed.

13. You are responsible for the proper installation, operation, maintenance and stability of any mitigative features, facilities, and systems of treatment and control which are installed or used in compliance with this permit to prevent harm to adjacent wetlands until such time that you document that this responsibility has been assumed by another person or organization.
14. You are obligated to install, utilize and follow all best management practices detailed or described on the approved site plans in the construction of the project to minimize or prevent adverse impacts to any adjacent freshwater wetlands and the functions and values provided by such wetlands.
15. All construction activities involving soil disturbances within watercourses must be limited to the low flow period (i.e., the period from July 1 to October 31 of any calendar year). Soil disturbance in these watercourses must temporarily cease in the event of any abnormally high stormwater runoff event during the low flow period.
16. All plantings of shrubs, trees or other forms of vegetation as shown or detailed on the approved plans, or detailed in this permit, must be installed as soon as possible after completion of final grading; weather and season permitting. You must notify this Program in writing upon completion of the required plantings for a compliance inspection by a Program representative.
17. Buffer zone plantings of trees and/or shrubs proposed between the project and any adjacent freshwater wetland areas, except for necessary replacement, must be allowed to develop naturally without being subjected to mowing or manicuring.
18. Artificial lighting along the roadway where it crosses freshwater wetlands is not authorized in this permit.
19. You must provide written certification from a registered land surveyor or registered professional engineer that the stormwater drainage system including any and all basins, piping systems, catch basins, culverts, swales and any other stormwater management control features have been constructed/installed in accordance with the site plans approved by this permit. This written certification must be submitted to this Program within twenty (20) days of its request or upon completion of the project.
20. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans. Specifically additional plantings are required to revegetate cleared areas within wetlands at two locations: first on either side of proposed America Street roughly between road stations 2+50 and 3+50 where additional side slopes must be revegetated, and second, within perimeter and riverbank wetland cleared for the utility corridor on either side of the watercourse west of Verona Drive. This project must take place in compliance with these revisions.

This Permit also constitutes your authorization from the U.S. Army Corps of Engineers ("Corps") under Section 404 of the Clean Water Act for the work proposed. Your project qualifies as a Category 2 activity under the Rhode Island Programmatic General Permit (General Permit No. NAE-2006-2711). You are, therefore, not required to file a separate application with the Corps.

Please note that the General Conditions within the enclosed RI Programmatic General Permit apply to all activities authorized under the RI PGP. Please review them carefully to thoroughly familiarize yourself with their contents. You may wish to discuss all permit conditions with your contractor to ensure that the work can be accomplished in a manner that conforms to all requirements.

Pursuant to the provisions in Rule 7.09 and Rule 11.04 of the current Rules, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property.

You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action against you by the DEM and/or subject you to the enforcement provisions of the Corps' regulations.

In permitting the proposed alterations, the Program assumes no responsibility for damages resulting from faulty design or construction. This permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

If you are aggrieved by this decision, you may, within thirty (30) days of the receipt of this letter, request an adjudicatory hearing in writing. This request must be sent directly to the DEM Administrative Adjudication Division ("AAD"), 235 Promenade Street, Providence, RI 02908. A copy of the request should also be forwarded to this Program and to the Office of Legal Services, at the same address. Your written request for an adjudicatory hearing must be timely filed and should conform to the requirements of Rule 7.00(b) of the "Administrative Rules of Practice and Procedure for the Department of Environmental Management Administrative Adjudication Division for Environmental Matters", (AAD Rules).

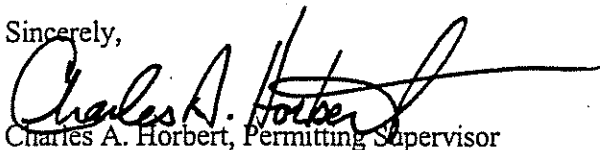
AAD Rule 7.00(b) provides:

"The request for hearing shall state clearly and concisely the specific issues which are in dispute and the facts in support thereof, the relief sought if any, the license or permit sought or involved and any additional information required by applicable statutes and regulations."

The written request must be accompanied by an adjudicatory hearing fee of two thousand dollars (\$2,000.00); in the form of a certified bank check or money order made payable to the Rhode Island General Treasurer; however, in the event that the cost of the hearing exceeds the fee paid, the Program through the AAD will require an additional fee which the applicant must submit prior to the DEM's issuance of any final decision regarding this application. The adjudicatory hearing will be held before a Hearing Officer from the AAD. Such hearing will be held in compliance with the AAD Rules, Chapter 42-35-1 et seq. of the R.I.G.L., and other governing laws, rules, and regulations adopted by the DEM. Please note that you have the right to be represented by legal counsel in any proceeding which may be held in this matter.

If you have any questions regarding this matter, you may contact me or Kate McPherson of my staff at this office (telephone: 401-222-6820 x7732).

Sincerely,


Charles A. Horbert, Permitting Supervisor
Office of Water Resources
Freshwater Wetlands Program
CAH/KHM/khm

Enclosure: Approved Site Plans
 RI PGP Conditions

xc: David Kerins, Esq., Act'g Chief, Administrative Adjudication Division
 Russell Chateaufneuf, Chief of Groundwater & Wetlands Protection (continued next page)

xc (continued) :

Harold K. Ellis, Enforcement Supervisor, Office of Compliance and Inspection
Mary Kay, Esq., Acting Chief Legal Counsel, DEM Office of Legal Services
Neal Personeus, Water Quality Certification Program
Michael Elliott, U.S. Army Corps of Engineers, New England Division
Raymond Madden, Cumberland Building Official
John J. Aubin III, Cumberland Planning Director
John & Christine Palma
Joe McCue, Natural Resource Services, Inc.
David M. D'Amico, Joe Casali Engineering